

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Writ Petition no. 244 of 2007

Parshuram Govind Chougule

Petitioner

V/s.

State of Maharashtra & ors.

Respondents.

Mr.B.G. Moorthy for the Petitioner
Mr.V.S. Kapse for Respondent no. 2
Mr. P.A. Pol, APP for State present.

CORAM : B.H. MARLAPALLE,J.

3RD AUGUST 2007.

P.C. :-

. Heard Mr. B.G. Moorthy, learned counsel for the
Petitioner who is the original Complainant in CC no.
25/I & R/2002. Process was issued against the present
respondent no. 2 who comes from the same family as the
Petitioner (first cousin). The Respondent no. 2 filed
criminal revision application no. 170/2005 and
challenged the order of issuance of process. The
Revision application has been allowed by the learned
Ad-hoc Sessions Judge at Sewree on 14-12-2006 and hence

this petition.

2. The dispute between the parties is regarding the title to Room no. 5, chawl no. 455, Tejbhai Bohari chawl, N.M. Joshi Marg, Mumbai and present petitioner has already filed a civil suit for the declaration of title to the said room. It is contended that the respondent no. 2 accused forged certain documents to create his title for the same purpose. When the Petitioner has already filed a civil suit for declaration, the veracity of alleged documents would also be considered in the trial of the said suit and, therefore, the learned Ad-hoc Additional Sessions Judge rightly held that the dispute between the parties is purely of civil nature.

3. Hence no interference is called for in the impugned order as it cannot be termed to be perverse or erroneous. Hence, the writ petition is rejected.

(B.H. MARLAPALLE, J)